IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO.2116 OF 2005

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Mr.Anant Krishna Patil ...Applicant

v/s.

The State of Maharashtra ...Respondent

...

Mr. Prakash Naik for the Applicant.

Mr.K.V.Saste, APP for the State.

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CORAM: A.M.KHANWILKAR,J.

DATED: 4TH APRIL,2005

P.C.:

1. Heard the learned Counsel for the parties. Perused the record. I see no reason to depart from the conclusion reached by the court below in rejecting the bail application preferred by the present Applicant. Not a case for bail having regard to seriousness of the offence. Because, there is evidence on record that, at the instance of the Applicant the deceased was killed by the co.accused. It is a case of contract killing. That position is clear from the statements of witnesses Shri Suresh Vishnu Patankar and Shri Santosh Vishnu Jadhav. Besides, their statements also indicate motive behind the alleged offence being out of business rivalary.

2. To get over this position, the learned Counsel for the Applicant submits that this evidence is not sufficient to record a finding of guilt against the Applicant. This argument over looks that the offence registered is under Section 120B for the criminal conspiracy. For the purpose of considering prayer for bail, this evidence in my view is sufficient to

indicate complicity of the Applicant in the commission of crime. Besides, there is a confessional statement by co-accused. It is not necessary to go into the question whether that statement can be relied against the Applicant as legal evidence. In these circumstances, this application fails and is dismissed.

3. As prayer for bail is rejected, the trial court is directed to expedite the hearing of the case as High Court expedited case.

4. It is made clear that observations made in this order shall not influence the trial court while considering the case on merits.

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